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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,557

02/27/2002

Steve Schnetzler

2207/14007

5880

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11/20/2006

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EXAMINER

BENGZON, GREG C

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/083,557

Applicant(s)

SCHNETZLER, STEVE

Examiner

Greg Bengzon

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2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This application has been examined. Claims 1-21 are pending.

#### ***Priority***

The effective date of the claims described in this application is February 27, 2002.

#### ***Re-opening Prosecution***

Prosecution on the merits of this application is reopened on claims 1-21 considered unpatentable for the reasons indicated below.

While the Examiner maintains the prior art rejection, the finality of the previous Office Action is withdrawn in view of the newly discovered reference(s) to Bodwell. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Barrera et al. (US Patent 6748448), hereinafter referred to as Barrera .

O'Neil disclosed (re. Claim 1,8 ) a method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30) and forwarding the data to the client computer

However O'Neil did not disclose certain features of the invention, such as adding an identity of the first server to the data, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Barrera disclosed a system and method of increasing performance by reducing latency the client experiences between sending a request to the server and receiving a response. Barrera disclosed of receiving a request for network content and modifying the URL, such that the URL request resource file physical I/O address is preferably embedded in the client computer browser page URL link, thereby establishing a correspondence between the browser page element and the resource file. (Barrera -

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Column 4 Lines 10-50, Column 8 Lines 50-65, Column 9 Lines 1-10) Barrera also disclosed of sending a host server name to a Domain Name System (DNS) server in order to look up the IP address of the indicated server. (Barrera - Column 3 Lines 35-45)

O'Neil and Barrera are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Barrera regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Barrera suggests (Column 4 Lines 1-5), to increase the performance of computer networks without requiring modifications of existing browser and enable by-passing some data storage access layers.

O'Neil disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 3,10) wherein the request is a Uniform Resource

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Locator (URL). (Column 4 Lines 1-35)

O'Neil disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (Column 8 Lines 1-35)

O'Neil disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (Column 3 Lines 55-65)

O'Neil disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neil et al. (US Patent 6128279), hereinafter referred to as O'Neil, in view of Bodwell et al. (US Patent 6954783) hereinafter referred to as Bodwell .

O'Neil disclosed (re. Claim 1,8 ) a method of accessing data from a plurality of servers comprising: (Figure 1-4, Column 3 Lines 10-15, Column 3 Lines 55-65) receiving a request for the data from a client computer; (Column 7 Lines 55-65) sending the request to a first server of the plurality of servers; receiving the data from the first server.(Column 8 Lines 1-35, Column 9 Lines 5-30)

However O'Neil did not disclose certain features of the invention, such as adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server.

Bodwell disclosed adding an identity of the first server to the data and forwarding the data to the client computer, and the adding the identity of the first server comprises revising the at least one URL to include a server identifier that corresponds to the first server. (Bodwell-Column 4 Lines 60 thru Column 5 Lines 25).

O'Neil and Bodwell are analogous art because they present concepts and practices regarding improving the network system performance in the context of fulfilling content requests received from a client computer. The Examiner respectfully suggests that at the time of the invention it would have been obvious to combine the teachings of Bodwell regarding modifying the URL and imbedding the physical device identification into the URL into the system of O'Neil. The said combination would enable the system of O'Neil to 1) add an identity of the first server to the data and forward the data to the client computer, and 2) add the identity of the first server by revising the at least one URL to include a server identifier that corresponds to the first server. The suggested motivation for doing so would have been, as Bodwell suggests (Column 2 Lines 20-35), to provide substantial advantages for mediating web pages.

Claim 8 is rejected on the same basis as Claim 1.

O'Neil-Bodwell disclosed (re. Claim 2,9) determining whether the request includes a server identifier. (O'Neil-Column 4 Lines 1-35)



O'Neil- Bodwell disclosed (re. Claim 3,10) wherein the request is a Uniform Resource Locator (URL). (O'Neil-Column 4 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 4,11) wherein the data is a HyperText Markup Language (HTML) page. (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 5,12) wherein the HTML page comprises at least one Uniform Resource Locator (URL). (O'Neil-Column 8 Lines 1-35)

O'Neil- Bodwell disclosed (re. Claim 6,13) wherein the sending the request to the first server comprises a load balancing algorithm. (O'Neil-Column 3 Lines 55-65)

O'Neil- Bodwell disclosed (re. Claim 7,14) wherein the sending the request to the first server comprises sending the request to a server identified by the server identifier. (O'Neil-Column 4 Lines 1-35)

Claims 15-21 are rejected on the same basis as Claims 1-7.

### ***Response to Arguments***

Applicant's arguments filed 09/12/2006 have been considered but are moot in view of the new ground(s) of rejection.

The Examiner provides new grounds for rejection and notes that Bodwell disclosed *adding an identity of a server to the data and forwarding the requested data to the client computer.*

Regarding Barreira, the Applicant presents the following argument(s) [*in italics*]:

*'...disclosure of a physical I/O address of a resource file does not disclose adding an identity of the first server to the data and forwarding the data to the client computer as specifically recited in the claims..... it is clear that the that the embedded physical I/O address of a resource file does not include an identity of a server responsible for forwarding the requested data to the client computer ...because Barrera does not require the use of servers at all in its retrieval process.'*

The Examiner respectfully disagrees with the Applicant.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. The Examiner notes that Barreira is not

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relied upon to teach the use of servers for retrieving and providing requested data.

Rather, Barreira is relied upon for its disclosure regarding imbedding a server id or an IP address on a URL and modification of a URL to indicate a server name and/or IP address on the URL. The use of a server to provide data as disclosed by O'Neil.

(O'Neil- Column 5 Lines 40-50, Column 7 Lines 55-65)

In applying the disclosure of Barreira, the Examiner is interpreting a server as a device that responds to client requests by providing the data requested back to the client. Thus in view of this interpretation the storage device controller described by Barrera responds to the client requests as a server. Furthermore, in Column 8 Lines 5-10 Barrera disclosed imbedding the IP address of the storage device controller in the URL request. Hence, the combination of O'Neil and Barrera disclosed adding an identity of a server and forwarding the data to the client, as described in Claim 1.

Regarding Barreira, the Applicant presents the following argument(s) *[in italics]*:

*There is no mention of the sending of a URL address as part of a retrieval process to be sent to the requesting party...Barreira does not disclose adding an identity of a server to the data and forwarding the requested data to the client computer.*

The Examiner respectfully disagrees with the Applicant.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. The Examiner notes that Barreira is not relied upon to teach *sending of a URL address as part of a retrieval process to be sent to the requesting party*. Rather, Barreira is relied upon for its disclosure regarding imbedding a server id or an IP address on a URL and modification of a URL to indicate a server name and/or IP address on the URL. The limitation for *sending of a URL address as part of a retrieval process to be sent to the requesting party* is disclosed by O'Neil. (O'Neil-Column 5 Lines 40-50, Column 7 Lines 55-65)

Barreira teaches modification of the URL's in the requested web page in order to add a server id. It would have been obvious for O'Neil, after having received the URL requesting the web page, to send the requested web page with the modified URL's as taught by Barreira.

### **Conclusion**

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**Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Bengzon whose telephone number is (571) 272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

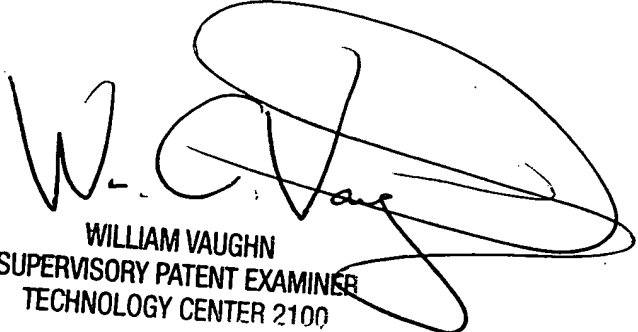
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn, Jr. may be reached at (571) 272-3922. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcb

  
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